

**BOARD OF SUPERVISORS
PUBLIC HEARING
STAFF REPORT**

SUBJECT: ZCPA-2017-0005, ZRTD-2016-0002, & SPEX-2017-0022
WestDulles Station

ELECTION DISTRICT: Broad Run

CRITICAL ACTION DATE: December 21, 2017

STAFF CONTACTS: Jacqueline Marsh, AICP, Project Manager, Planning and Zoning
Ricky Barker, AICP, Director, Planning and Zoning

APPLICANT: Eric Wells, WestDulles Station, LLC

PURPOSE: The applicant is requesting to convert 28.42 acres east of Lockridge Road from the PD-IP (Planned Development – Industrial Park) zoning district under the Revised 1993 Zoning Ordinance to the Revised 1993 Zoning Ordinance, as amended; to amend and replace the proffers and concept development plan associated with a previously approved rezoning application for predominately office use on the property. The applicant is also seeking a special exception to increase the maximum floor to area ratio (FAR) from 0.6 to 1.0 to be applied for a data center use only.

RECOMMENDATIONS:

Planning Commission: At the Planning Commission (Commission) Public Hearing on July 25, 2017, the Commission forwarded (9-0) the applications to the Board of Supervisors (Board) with a recommendation of approval, subject to the applicant's Proffer Statement and staff's recommended Conditions of Approval and based on the enclosed Findings for Approval.

Staff: Staff supports the Commission's recommendation of approval to the Board subject to the Proffer Statement (Attachment 1) and Conditions of Approval (Attachment 2), and based on the Findings for Approval (Attachment 3). Staff has concluded that the proposal is generally consistent with the Revised General Plan (Plan) policy that encourages property owners within the Route 28 Taxing District to convert to the Revised 1993 Zoning Ordinance.

There are no outstanding issues. The Proffer Statement (the final version has not been executed at this time) and Conditions of Approval have been approved to legal form and the application is ready for Board action.

APPLICATION INFORMATION:		
APPLICANT: WestDulles Station, LLC Eric R. Wells 703-788-1509 ericw@westdulles.com		REPRESENTATIVES: Christopher Consultants, Ltd. Louis Canonico, PE, Vice President 571-209-5776 loucanonico@ccl-eng.com Cooley Collen Gillis 703-456-8000 cgillis@colley.com
PARCELS/ACREAGE:		
Tax Map Number	PIN	Acreage
/94//17/////A/	063-49-6156	28.42 acres
ACCEPTANCE DATE: May 9, 2016	LOCATION: East side of Lockridge Road (Route 789), a quarter mile south of Prentice Drive (Route 1071)	
ZONING ORDINANCE: <u>Revised 1993 Zoning Ordinance</u> , as it existed on June 2006	EXISTING ZONING: PD-IP (Planned Development – Industrial Park) AI (Airport Impact) Overlay District Route 28 Optional CB (Corridor Business) Overlay District	
POLICY AREA: Suburban Policy Area (Sterling Community)	PLANNED LAND USE: <ul style="list-style-type: none"> • Route 28 Business • Transit Related Employment Center (TREC) 	

CONTEXT:

Location/Site Access – The property is located in the Metrorail Service District on the east side of Lockridge Road (Route 789), north of future Shellhorn Road, and diagonally across Lockridge Road from the future Loudoun Gateway Metrorail Station. Four access points are proposed on the Concept Development Plan (CDP): two along Lockridge Road and two along future Shellhorn Road.

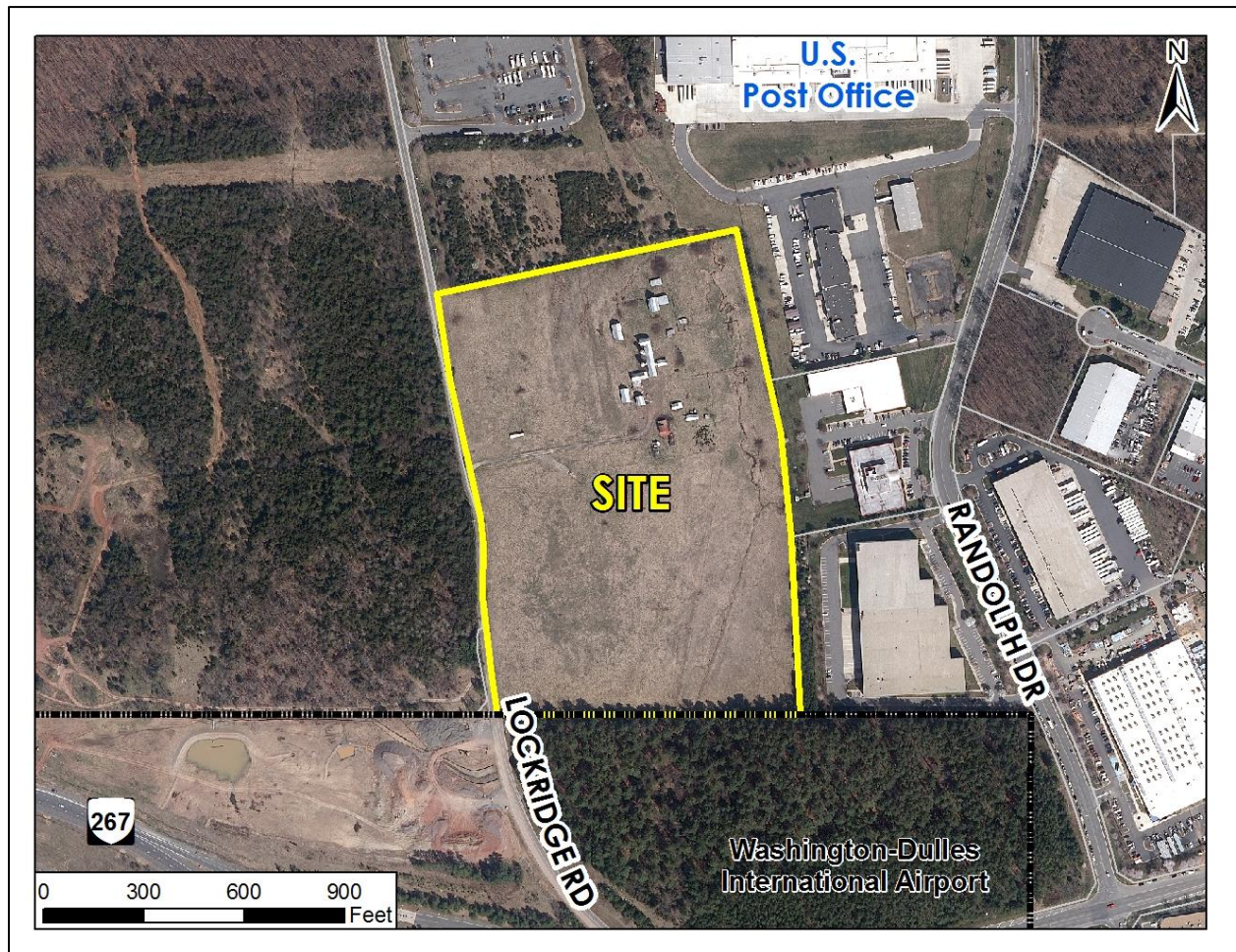
Existing Conditions – The 28.42-acre site contains a residential structure and numerous farm structures that were associated with the previous use as a dairy farm. A majority of the site consists of open pasture and wetlands along the northern portion of the property. The property is located within the Route 28 Taxing District, within one mile of the future Loudoun Gateway Metrorail Station.

Surrounding Properties – The subject property is located north of Dulles International Airport. Broad Run Business Center is to the north and east and is zoned PD-GI (Planned Development –

General Industry). The vacant property to the west is zoned PD-OP (Planned Development – Office Park).

Directions – From Leesburg, take Route 7 east to south on Sully Road (Route 28). From Route 28, take Waxpool Road (Route 625) west to south on Pacific Boulevard. Turn right onto Prentice Drive and then take a left onto Lockridge Road. The site is on the left.

Figure 1: Vicinity Map



PROPOSAL: The applicant is requesting ZCPA-2017-0005 to amend the approved CDP and proffers associated with ZMAP-2005-0021 and ZRTD-2016-0002 to bring the subject property into the current Revised 1993 Zoning Ordinance. The property is currently zoned PD-IP under the 1993 Zoning Ordinance as it existed in June of 2006, and the applicant seeks to convert the property to PD-IP under the Revised 1993 Zoning Ordinance, as may be amended from time to time to allow for the development of a wider range of commercial uses. The applicant is also requesting SPEX-2017-0022 to increase the maximum allowable floor area ratio (FAR) from 0.6 to 1.0, which will be applicable to only data center development.

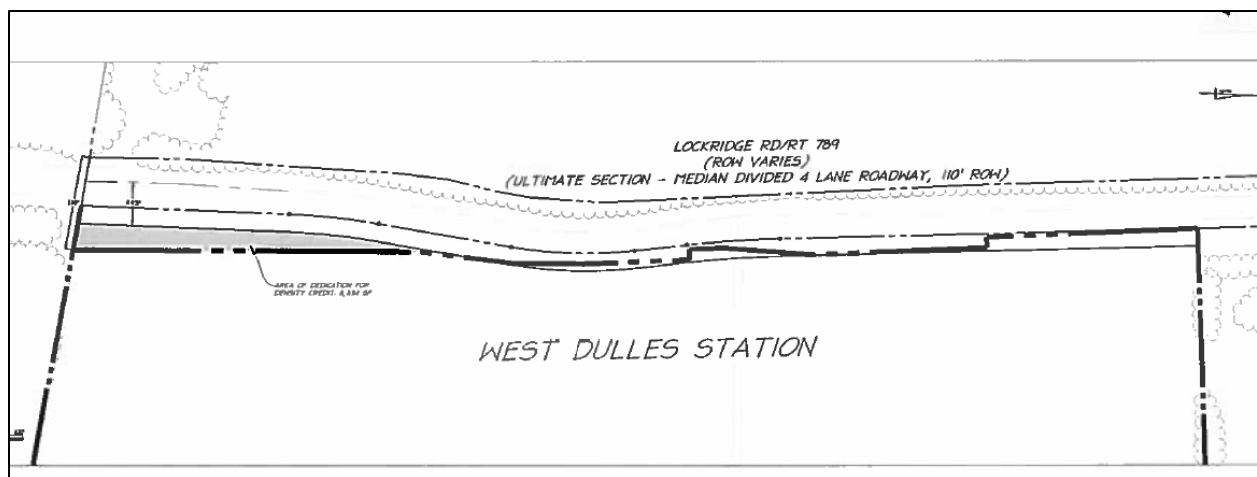
BACKGROUND: The subject property is located within the Route 28 Highway Improvement Taxing District, the Metrorail Service District, and the Route 606 Station Service District. The site is accessed via Lockridge Road and is located less than half of a mile from the future Loudoun Gateway Metrorail Station. The subject site is also part of the Silver Line Comprehensive Plan Amendment (CPAM) planning area focused around the Loudoun Gateway and Ashburn Metrorail Stations and the *Envision Loudoun* Countywide planning effort. At the June 22, 2017 Board Business Meeting, the Board directed (9-0) staff to forward the CPAM to the Envision Loudoun process for continued study and ultimate inclusions in an updated Countywide comprehensive plan.

The subject site was rezoned from A-3 (Agricultural Residential) to PD-IP under ZMAP-2005-0021, known as West Dulles Station, which permitted up to 485,760 square feet of office and flex industrial uses. Associated with that application was a special exception request to permit 100 percent office use and a modification request to permit buildings up to 60 feet in height to be located as close as 35 feet from the right-of-way to a public street.

As discussed in the Transportation analysis below, the applicant has agreed to dedicate sufficient right-of-way along its frontage to accommodate one-half of the four-lane divided, 110-foot right-of-way, road section for Lockridge Road, increased as necessary for right turn lanes, as shown on the CDP. This area of proposed right-of-way is in excess of what was originally proffered in the ZMAP-2005-0021, West Dulles Application. As such, the applicant has requested a density credit for the dedication of such additional right-of-way which is estimated to be approximately 0.2 acre (8,834± square feet) of property for the eastern side of Lockridge Road along the Property frontage. If approved, the applicant would be entitled to approximately 5,300 square feet (at 0.60 FAR) or 8,834 square feet of data center (if SPEX-2017-0022 to increase to 1.0 FAR for data center is approved) of non-residential development in exchange for dedicating the additional right-of-way necessary to accommodate the construction of the planned Lockridge Road within a 110-foot right-of-way.

The density credit request is scheduled as an Action Item at the September 5, 2017, Board Business Meeting.

Figure 2. Exhibit showing additional right of way along Lockridge Road



Planning Commission: The Commission held a public hearing on this application on July 25, 2017. There were no speakers on these applications. The Commission asked a question regarding the location of the Shellhorn Road extension on the applicant's property. The Commission forwarded (9-0) the application to the Board with a recommendation of approval subject to the Conditions of Approval and based on the Findings of Approval.

There are no public comments regarding the subject applications on Loudoun Online Land Application System (LOLA). Staff have received no email or phone comments regarding these applications. There was a front counter inquiry on the status of the proffers prior to the Planning Commission public hearing. The staff reports and associated attachments, as well as referral agency comments, can be viewed online at either www.loudoun.gov/pc (Select "Planning Commission Documents") or on LOLA at <http://www.loudoun.gov/lola> (Search "ZRTD-2016-0002").

OUTSTANDING ISSUES: There are no outstanding issues. The applicant has revised the Proffers and the CDP to address staff's concerns relating to transportation improvements and cash contributions. At the request of staff, the applicant has proffered out certain uses to align with the current land use designation of the area and has committed to previously approved transportation improvements. Staff and the applicant also worked together to ensure that an adequate amount of right-of-way will be provided for the completion of the future Lockridge Road.

POLICY ANALYSIS:

Zoning Map Amendment Petition (ZMAP) Criteria for Approval - Zoning Ordinance Section 6-1210(E) of the Revised 1993 Zoning Ordinance states that if an application is for a reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give reasonable consideration to six (6) factors or criteria for approval. These criteria for approval are organized below by category, followed by Staff's analysis.

Special Exception (SPEX) Criteria for Approval - Zoning Ordinance Section 6-1309 of the Revised 1993 Zoning Ordinance states that in considering a minor special exception or special exception application, six (6) factors shall be given reasonable consideration. These criteria for approval are organized below by category, followed by Staff's analysis.

A. Land Use:

ZO §6-1210(E)(1) Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality. ***ZO §6-1309(1)*** Whether the proposed minor special exception or special exception is consistent with the Comprehensive Plan. ***(5)*** Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

Analysis - The application is generally consistent with Route 28 Business policies with the proposal to convert the property to the most current zoning ordinance and provide an increased FAR to 1.0.

The property is located in the Sterling Community of the Suburban Policy Area and is planned for Route 28 Business uses, which call for low to mid-density Office and Flex uses generally consisting of two or more stories with floor area ratios (FARs) between 0.4 and 1.0.

The County encourages property owners within the Route 28 Taxing District (District) to convert from the 1993 Zoning Ordinance to the Revised 1993 Zoning Ordinance in order to provide consistent development patterns within the District.

B. Compatibility:

***ZO §6-1210(E)(2)** The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values. **ZO §6-1309(2)** Whether the level and impact of any noise, light, glare, odor or other emissions generated by the proposed use will negatively impact surrounding uses. (3) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and on adjacent parcels.*

Analysis - The range of permitted and special exception uses in the proposed PD-IP zoning district under the Revised 1993 Zoning Ordinance are compatible with the surrounding existing PD-IP uses. The applicant has proffered out 22 uses that would be considered incompatible with the surrounding Route 28 Business uses.

The applicant has proffered to limit development above the by right FAR (0.6) to data center use only and has also committed to building design standards that are typically associated with data center uses per §5-664(A)(1). Specifically, the building facades will have three design elements (as opposed to two) that are required of data centers, regardless of the uses of these buildings. These elements may include change in building height, building step-backs or recesses, fenestration, change in building material, pattern, texture, color, or use of accent materials.

It should be noted that the applicant is not providing commitments that were included in the previously approved ZMAP-2005-0021, which include a minimum two-story building height, pedestrian walkways and outdoor seating areas, and illustrative building elevations. The inclusion of these commitments would help the applicant to achieve the vision of the Route 28 Business policies. In addition to the exclusion of incompatible uses and commitment to data center standards, these commitments would further achieve the vision of the Route 28 Business; however, staff acknowledges the character of area and the Plan policies applicable to the property has changed since the previously approved Zoning Map Amendment.

C. Environmental and Heritage Resources:

***ZO §6-1210(E)(5)** Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural*

and forestal lands and any proposed mitigation of those impacts. ZO §6-1309(4) Whether the proposed special exception or minor special exception adequately protects and mitigates impacts on the environmental or natural features including, but not limited to, wildlife habitat, vegetation, wetlands, water quality (including groundwater), air quality, topographic, scenic, archaeological or historic features, and agricultural and forestal lands.

Analysis – There are no outstanding environmental or heritage resources issues. Staff would note that previously approved commitments to storm water management and wetland mitigation have not been included in the proposed Proffer Statement. The applicant is required to meet Zoning Ordinance and Facilities Standards Manual (FSM) requirements that would protect environmental resources upon any development on the site.

D. Transportation:

***ZO §6-1210(E)(3)** Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district [emphasis added]. **ZO §6-1309(6)** Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities [emphasis added].*

Analysis – There are no outstanding transportation issues. The applicant is generally making the same commitments to transportation improvements that are consistent with the previously approved ZMAP application. These include:

- Right-of-way for Lockridge Road - As part of the original ZMAP proffers for the property, the applicant had committed to providing the necessary right of way (45 feet) along the subject property for the widening of Lockridge Road. During the application review process, the applicant had continued to include this commitment in the draft proffer statement. Since the Planning Commission public hearing, staff has requested the applicant provide an additional right-of-way along the site's frontage per the Board's approved alignment of the Shelhorn Road/Lockridge Road extension that took place on June 22, 2017 as a part of the Silver Line Comprehensive Plan Amendment (CPAM-2016-0002) process that amended certain roads in the Countywide Transportation Plan (CTP). This will accommodate the County's design/build project for the road, which will include all bicycle and pedestrian facilities that will be located within the right-of-way. The applicant has agreed to provide an additional 8,834 square feet of right-of-way that will become a part of the ultimate realigned Shellhorne Road/Lockridge Road (See Proffer Statement - Attachment #1, beginning on Page 4 and the CDP - Attachment #4, Page 3).
- Additional Lanes - The construction of the two lanes of the ultimate four-lane divided section of Lockridge Road across the frontage of the property, including right and left turn lanes for entrances to the property.
- Trail - The construction of a 10-foot trail along Lockridge Road.

- Cash Contribution - In lieu of the previously approved improvements for Moran Road and Route 606, the applicant has proposed replacement of specific regional transportation proffers, including funding and construction of turn lanes and traffic signals, with a \$1.50 per square foot (up to 420,000 square feet) contribution to regional transportation improvements. The applicant's proposed contribution is generally commensurate with the relative increase in the proposed development program beyond the current ZMAP-2005-0021 approval.

E. Fiscal Impacts:

ZO §6-1210(E)(4) *The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.*

Analysis – There are no outstanding fiscal issues. The zoning conversion is anticipated to create the opportunity for more economically viable uses on the subject property, which would likely generate employment opportunities and increase the tax base.

F. Public Utilities/Public Safety:

ZO §6-1210(E)(3) *Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.*
(6) *The protection of life and property from impounding structure failures. [emphasis added].* **§6-1309(6)** *Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities [emphasis added].*

Analysis – There are no outstanding public utility or safety issues associated with the applications. The following table summarizes how this application addresses public utilities, fire and rescue services and contributions, and public safety.

Table 1. Public Utilities and Public Safety
Water and Sewer – The subject property will be served by extension of existing Loudoun Water facilities.
Fire and Rescue Service - The Kincora Fire and Rescue Station would serve the subject property with an approximate response time of seven minutes.
Fire and Rescue Contribution - The applicant agrees to make the anticipated one-time Fire and Rescue contribution of \$0.12 per gross square foot to be distributed equally to the first response fire and rescue facilities per the Board's Fire and Rescue policy.

ZONING ANALYSIS: There are no outstanding zoning issues. Language in the proffer statement would subject the site to the Revised 1993 Zoning Ordinance including any future zoning ordinance amendments.

DRAFT MOTIONS:

1. I move that the Board of Supervisors forward ZCPA-2017-0005, ZRTD-2016-0002, & SPEX-2017-0022, WestDulles Station, to the October 3, 2017, Board of Supervisors Business Meeting for action.

OR

- 2a. I move that the Board of Supervisors suspend the rules.

AND

- 2b. I move that the Board of Supervisors approve ZCPA-2017-0005, ZRTD-2016-0002, & SPEX-2017-0022, WestDulles Station, subject to the Proffer Statement dated August 30, 2017, and the Conditions of Approval dated August 25, 2017, and based on the Findings for Approval as provided in Attachments 1, 2, and 3 to the September 13, 2017, Board of Supervisors Public Hearing Staff Report.

OR

3. I move an alternative motion

ATTACHMENTS:

1. Proffer Statement (August 30, 2017)
2. Conditions of Approval (August 25, 2017)
3. Findings for Approval
4. Concept Development Plan (August 25, 2017)
5. Applicant Statement of Justification (July 5, 2017)
6. Review Agency Comments
7. Responses to Referral Comments